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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,279	09/28/2001	David Andersen	42390P11767	4191

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EXAMINER

O STEEN, DAVID R

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/966,279	Applicant(s) ANDERSEN, DAVID	
	Examiner David R. O'Steen	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-2-2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 13,17-22 and 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12,14,15 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9-28-2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed September 28, 2001 lists the following websites: www.news.cnet.com/news/0-1002-200-5996052.html and www.crq.com/master_templ.cfm?view=products&products=CueTv. These pages could not be found and, therefore, were not considered by the examiner.

Response to Arguments

2. Applicant's arguments filed December 12th, 2005 have been fully considered but they are not persuasive. The applicant argues that Lu and Palmer are not combinable. The applicant states that Lu discloses a measurement system to measure television program viewed on digital television located in a statistically selected site. Palmer discloses a method and apparatus for providing a computer connection to electronic addresses in sync with an audio/video broadcast. The applicant also states that Palmer further discloses an address transmitter to transmit an address, such as a URL, identifying an on-line service which contains relevant information. After stating the amended Claim 1 on page 8, the applicant further states that Lu and Palmer, neither individually nor when combined, teach or reasonably suggest inserting a code into a broadcast program, the code corresponding to web content that relates to content of the broadcast program and automatically displaying a website having the web content upon detection of the code, where the website is displayed simultaneously while the broadcast program is being broadcast as recited in Claim 1. Although Palmer discloses transmitting an address, such as a URL, that contains information about the audio or

video programming and that can be used to access the on-line services, the applicant claims that this is not the same as automatically displaying the website having the web content upon detection of the code while the broadcast program is being broadcast upon detecting a code that is inserted into a broadcast program, wherein the code corresponds to the web content that relates to the content of the broadcast program as recited by claim 1. The applicant states that Lu and Palmer, therefore, neither individually nor when combined, teach or reasonably suggest each and every element of claim 1.

The examiner respectfully disagrees. Palmer discloses an apparatus and method of transmitting electronic addresses such as URLs in a coordinated fashion with radio or television broadcasting (Abstract). The electronic addresses are simultaneously presented by a computer and are relevant to the content of the broadcasting (col. 5, lines 23-27). Furthermore, Palmer discloses that the computer is connected automatically and synchronously with the accompanied broadcasting (col.5, lines 27-34). Palmer also discloses embedding data such as URLs into the actual broadcasts through the use of the Vertical Blinking Interval (VBI). Palmer cites as one of the reasons for introducing such a method and apparatus is that automatically retrieving websites and presenting them on an accompanying computer is easier for the user and removes any obstacles such as finding and remembering long or difficult URLs (col. 1, lines 50-56).

Lu does disclose a method for detecting an audio code embedded in the television program in order to identify the program (Abstract). Lu also discloses that

URLs (among other data) can be transmitted along with television broadcasting (paragraph 82, lines 1-13). Lu also discloses that these URLs may or may not be retrieved automatically, depending on the user's equipment (paragraph 83, lines 7-15). As for audio signals, Lu discloses several reasons why encoding data in audio signals is superior to other methods. Audio codes are not dependent on whether the underlying television transmission technology is analog or digital (that is, digital television transmission does not have a VBI) (paragraph 7, lines 11-15). Also, it can be expected that audio codes will undergo less disruption than video when each undergoes compression (paragraph 8, lines 1-6). In view of the disclosures of both Palmer and Lu, the examiner maintains that both Palmer and Lu are from the same field of endeavor, namely the field of television. Furthermore, it would have been obvious to a person of ordinary skill in the art at the time of invention to use the audio coding scheme Lu with simultaneous web display method of Palmer because the audio coding scheme is less dependent on the method of television transmission (i.e. digital or analog) and does not require a separate paging system to operate.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 23 are rejected under 35 U.S.C. 102 (b) as being anticipated by Palmer (US 5,905,865). As regards Claims 1 and 23, Palmer discloses a method and a

machine-readable medium having stored thereon data representing sequences of instructions, the sequences of instructions which, when executed by a processor causes the processor to: insert a code into a broadcast program (col. 8, lines 13-19), the code corresponding to web content, the web content relating to content of the broadcast program (col. 5, lines 24-26), broadcasting the broadcast program; detecting the code while the broadcast program is being broadcast (col. 8, 13-19); and automatically displaying a website having the web content upon detection of the code, wherein the website is displayed simultaneously while the broadcast program is being broadcast (col. 5, lines 28-36).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3, 5-9, 12, 14-16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US 2002/0010919) in view of Palmer (US 5,905,865). As regards Claim 2, Palmer discloses the method of Claim 1 but does not disclose inserting of the code into the broadcast program comprises inserting the code into content of the broadcast program, the code is based on a predetermined criteria. Lu does not disclose inserting of the code into the broadcast program comprises inserting the code into content of the broadcast program (paragraph 17, lines 4-11), the code is based on a predetermined criteria (paragraph 34, lines 4-7).

Lu and Palmer are analogous art because they both come from the same field of endeavor, namely the field of television.

At the time of invention it would have been obvious to a person of ordinary skill to use the audio signaling method disclosed in Lu to trigger the synchronized web-content in Palmer because embedding audio signaling inside the broadcast eliminates the need and cost of the extra equipment required in Palmer's design.

As regards Claim 3, Lu further discloses a method wherein the code comprises an audio trigger that further comprises audio tone sequences (paragraph 34, lines 4-7).

As regards Claim 5, Palmer discloses a method, comprising: providing web content relating to a broadcast program (col. 5, lines 23-26); providing a trigger event for a web device in the form of a code associated with the web content, wherein the code is inserted into the broadcast program (col. 8, lines 13-19), the code corresponding to the web content, the web content relating to content of the broadcast program and causing the web device to automatically retrieve and present the web content simultaneously with the presentation of the broadcast program by the receiving device by displaying a website having the web content (col. 5, lines 27-34). Palmer does not disclose that the web device is located sufficiently close to a receiving device to detect the code when emitted by the receiving device while the broadcast program is being broadcast. Lu does disclose that the web device is located sufficiently close to a receiving device to detect the code when emitted by the receiving device while the broadcast program is being broadcast (paragraph 34, lines 4-7 and 12-14).

As regards Claim 6, Palmer further discloses that the web device comprises a web tablet (col. 7, lines 62-67).

As regards Claim 7, Palmer further discloses that the web device comprises a computer system (col. 1, 61-64).

As regards Claim 8, Lu further discloses that the receiving device comprises a television (paragraph 31, lines 1-9).

As regards Claim 9, Lu discloses a method comprising monitoring an output of a receiving device, that is receiving and presenting a broadcast program, for a trigger in the form of a code that is inserted into the broadcast program (paragraph 34, lines 4-7). Lu does not disclose that the code corresponds to web content, the web content relating to content of the broadcast program; detecting the code while the broadcast program is being broadcast; in response to detecting the code, determining a uniform resource locator (URL) of a website having web content associated with the code in the broadcast program and synchronizing the web content to the broadcast program without the need for user action by automatically retrieving and presenting the web content simultaneously while the broadcast program is being broadcast by displaying a website having the web content. Palmer discloses that the code corresponds to web content, the web content relating to content of the broadcast program (col. 5, lines 22-24); detecting the code while the broadcast program is being broadcast; in response to detecting the code, determining a uniform resource locator (URL) of a website having web content associated with the code in the broadcast program and synchronizing the web content to the broadcast program without the need for user action by automatically

retrieving and presenting the web content simultaneously while the broadcast program is being broadcast by displaying a website having the web content (col. 5, lines 28-36).

As regards Claim 12, Lu further discloses a device interaction system comprising a receiver to detect the code while the broadcast program is being broadcast (paragraph 34, lines 4-7 and 12-14). Lu does not disclose an insertion module to insert a code into a broadcast program, the code corresponding to web content, the web content relating to content of the broadcast program; a broadcasting station to broadcast the broadcast program; a web device to automatically display a website having the web content upon detection of the code, wherein the website is displayed simultaneously while the broadcast program is being broadcast. Palmer discloses an insertion module to insert a code into a broadcast program (col. 8, lines 5-13), the code corresponding to web content, the web content relating to content of the broadcast program (col. 5, lines 23-27); a broadcasting station to broadcast the broadcast program (col. 8, lines 5-13); a web device to automatically display a website having the web content upon detection of the code, wherein the website is displayed simultaneously while the broadcast program is being broadcast (col. 5, lines 29-34).

As regards Claim 14, Palmer discloses that the broadcasting station comprises one or more of the following: a television network, a radio network (col. 3, lines 53-55), a cable network provider/operator, satellite system provider (col. 8, line 8), and a content recorder (col. 8, lines 8-13).

As Regards Claim 15, Lu further discloses that the receiver is further to receive to the broadcast program having the code (paragraph 31, lines 1-9).

As regards Claim 16, Palmer further discloses that the receiver comprises one or more of the following: a set top box, a satellite dish, a television, a radio (col. 3, lines 52-55), a computer, a CD player, a cassette player, and a DVD player (col. 2, lines 26-27).

As regards Claim 24, Lu discloses that the code comprises an audio trigger, wherein the audio trigger comprises audio tone sequences (paragraph 34, lines 4-7).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US 2002/0010919) in view of Palmer (US 5,905,865) and Dunki-Jacobs (US 6,112,053). Lu and Palmer jointly disclose the method of Claim 1, however, they do not disclose a code wherein the video trigger comprises the audio tone sequences and video motion sequences. Dunki-Jacobs discloses a video trigger wherein the video trigger comprises the audio tone sequences and video motion sequences (col. 1, lines 43-45).

Lu, Palmer, and Dunki-Jacobs are analogous art because they both come from the same field of endeavor, namely the field of television.

At the time of invention it would have been obvious to a person of ordinary skill to use the audio and video signaling method disclosed in Dunki-Jacobs to trigger the synchronized web-content device jointly disclosed in Lu and Palmer because using combined audio and video signaling inside the broadcast can provide for a more robust triggering mechanism than just audio alone.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US 2002/0010919) in view of Palmer (US 5,905,865), Haitsuka (2005/0192867) and Augenbraun (2005/0149981). As regards Claim 10, Lu and Palmer jointly disclose method of Claim 9. Lu and Palmer, however, do not disclose

presenting of the web content comprises diversified presentation of the web content based on a predetermined criteria comprising time-based diversification and location based diversification. Haitsuka discloses presenting web content comprising diversified presentation of the web content based on a predetermined criteria comprising location-based diversification (paragraph 20, lines 1-6). Augenbraun discloses presenting web content comprising diversified presentation of the web content based on a predetermined criteria comprising time-based diversification (paragraph 6, lines 7-12).

Lu, Palmer, Haitsuka, and Augenbraun are analogous art because they both come from the same field of endeavor, namely the field of consumer communication devices.

At the time of invention it would have been obvious to a person of ordinary skill to use the time and location based targeting of data disclosed in Haitsuka and Augenbraun with web-content device jointly disclosed in Lu and Palmer because tailoring the content the user receives based on time and location criteria increases the relevance of that data to the user.

As regards Claim 11, Haitsuka further discloses terminating the presentation of the web content based on the predetermined criteria (paragraph 20, lines 4-6)

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu (US 2002/0010919) in view of Palmer (US 5,905,865) and Dunki-Jacobs (US 6,112,053). Lu and Palmer jointly disclose the computer readable medium of Claim 25, however, they do not disclose that the code comprises wherein the video trigger comprises the audio tone sequences and video motion sequences. Dunki-Jacobs discloses that the code

comprises a video trigger wherein the video trigger comprises the audio tone sequences and video motion sequences (col. 1, lines 43-45).

Lu, Palmer, and Dunki-Jacobs are analogous art because they both come from the same field of endeavor, namely the field of television.

At the time of invention it would have been obvious to a person of ordinary skill to use the audio and video signaling method disclosed in Dunki-Jacobs to trigger the synchronized web-content device jointly disclosed in Lu and Palmer because using combined audio and video signaling inside the broadcast can provide for a more robust triggering mechanism than just audio alone.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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